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APR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M.H. Wyzgala et al. Attorney Docket No.: BSCO114052
Application No.: 09/629,771 Group Art Unit: 3732
Filed: July 31, 2000 Examiner: R.A. Lewis
Title: EXPANDABLE ABLATION BURR

TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

TO THE COMMISSIONER FOR PATENTS:

SCIMED Life Systems, Inc., a Minnesota corporation, having a principal place of business at One SCIMED Place, Maple Grove, MN 55411, represents that it is the owner of the entire right, title, and interest in the above-identified patent application by an assignment from Mark H. Wyzgala, Thomas J. Hiblar, Lixiao Wang, John Chen, Irina Nazarova, Nancy Haig, Sheng-Ping Zhong, and Daniel M. Lafontaine, inventors of the above-identified patent application, and by an obligation of assignment created by a binding employment agreement from Eric B. Hamilton, an inventor of the above-identified patent application. The assignment is being recorded in the U.S. Patent and Trademark Office; a copy of the document is attached.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,096,054, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to prior U.S. Patent No. 6,096,054, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,096,054 in the event that said prior U.S. Patent No. 6,096,054 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS™
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Suite 2800
Seattle, Washington 98101
206.682.8100

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization with respect to patent matters.

Our Check No. 144529 in the sum of \$110.00 for the terminal disclaimer fee under 37 C.F.R. § 1.20 is included. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire procedure of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application. A copy of this sheet is enclosed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SCIMED Life Systems, Inc.

Name: Todd Messal
Title: Patent Attorney

Date

BCS:cg

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1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

COPY

Attorney Docket No: BSCO114052

ASSIGNMENT

WHEREAS, we, Mark H. Wyzgala, residing at 13050 SE 46th Street, Bellevue, WA 98006, Eric B. Hamilton, residing at 19306 Bothell Way NE, Apt. 101, Bothell, WA 98011, Tom J. Hiblar, residing at 2633 - 112th Drive SE, Everett, WA 98205, Lixiao Wang, residing at 1205 Oakview Road, Long Lake, MN 55356, John J. Chen, residing at 4725 Terraceview Lane North, Plymouth, Minnesota 55446, Irina Nazarova, residing at 2610 Queensport Road, Woodbury, Minnesota 55125, Nancy L. Haig, residing at 511 - 229th Lane NE, East Bethel, Minnesota 55005, and Sheng-Ping Zhong, residing at 21 Charina Road, Northborough, Massachusetts, are the inventors named in an application for Letters Patent of the United States, entitled EXPANDABLE ABLATION BURR, Application No. 09/629,771, filed on July 31, 2000;

AND, WHEREAS, SCIMED Life Systems, Inc., a Minnesota corporation, having a principal place of business at One SCIMED Place, Maple Grove, MN 55411-1566 (hereinafter referred to as ASSIGNEE), is desirous of acquiring our entire right and title to and interest in our invention disclosed in said application;

NOW, THEREFORE, for sufficient, good and valuable consideration, the receipt of which is hereby acknowledged, we do hereby sell, assign and transfer unto ASSIGNEE our entire right and title to and interest in said application and said invention, including the right to apply for international patents and patents thereon in foreign countries in our name or in the name of ASSIGNEE, said invention and all applications and patents on said invention to be held and enjoyed by ASSIGNEE as entirely as the same would have been held and enjoyed by us had this sale, assignment and transfer not been made, and we do hereby further agree and promise to execute all instruments and render all such assistance as ASSIGNEE may request in order to make and prosecute any and all applications on said invention, to enforce any and all patents on said invention, and to confirm in ASSIGNEE legal title to said invention and all applications and patents on said invention, all without charge to ASSIGNEE but at no expense to us.

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Executed at Redmond (city), WA (state), this 15th day of November, 2000.



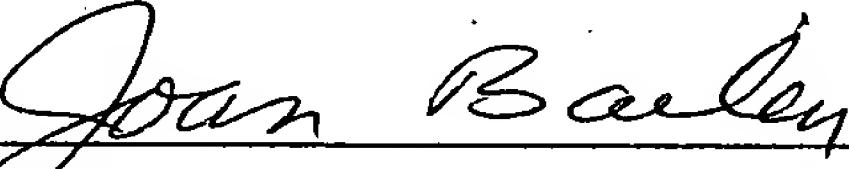
Mark H. Wyzgala

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Mark H. Wyzgala is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: November 15, 2000

(Seal or stamp)



Signature
Printed Name: JOAN BAILEY
Notary Public
My appointment expires 7/10/2002

Executed at _____ (city), _____ (state), this _____
day of _____, 2000.

Eric B. Hamilton

STATE OF WASHINGTON)
)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Eric B. Hamilton is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

(Seal or stamp)

Signature _____
Printed Name: _____
Notary Public _____
My appointment expires _____

Executed at Redmond (city), WA (state), this 25th
day of October, 2000.

Tom J. Hiblar
Tom J. Hiblar
Thomas J.

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Tom J. Hiblar is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: October 25, 2000

(Seal or stamp)

Joan Bailey
Signature
Printed Name: JOAN BAILEY
Notary Public
My appointment expires July 10, 2002

Executed at Maple Grove(city), Minnesota (state), this 10/24
day of Oct., 2000.

Lixiao Wang

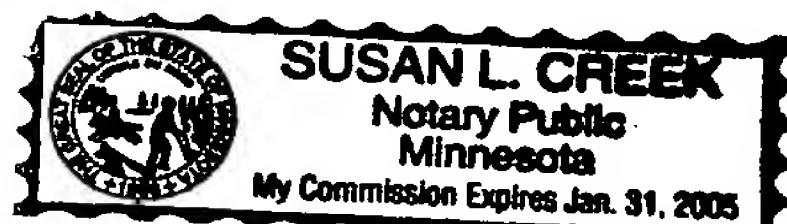
STATE OF MINNESOTA)
)
) ss.
COUNTY OF Hennepin)

I certify that I know or have satisfactory evidence that Lixiao Wang is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: October 24, 2000

S Creek

(Seal or stamp)

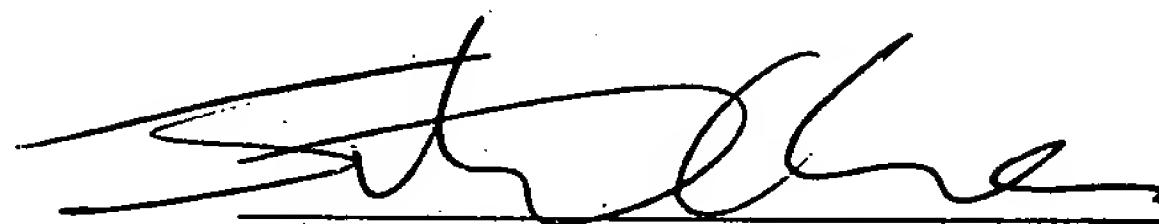


Signature

Notary Public

My appointment expires Jan 31, 2005

Executed at Maple Grove(city), Minnesota (state), this 24th
day of October, 2000.



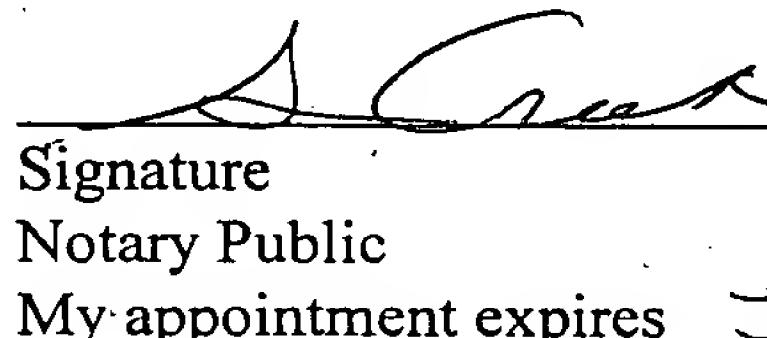
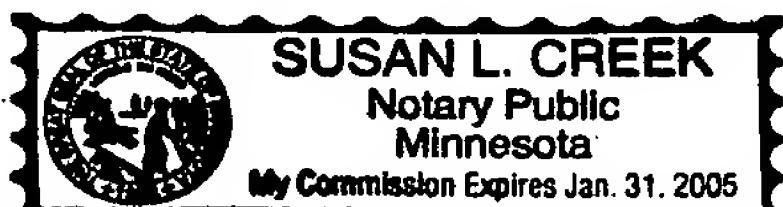
John J. Chen

STATE OF MINNESOTA)
) ss.
COUNTY OF Hennepin)

I certify that I know or have satisfactory evidence that John J. Chen is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: October 24, 2000

(Seal or stamp)



Signature
Notary Public
My appointment expires Jan 31, 2005

Executed at Maple Grove(city), Minnesota(state), this 26th
day of October, 2000.

I. Nazarova
Irina Nazarova

STATE OF MINNESOTA)
) ss.
COUNTY OF Hennepin)

I certify that I know or have satisfactory evidence that Irina Nazarova is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10/26/2000

(Seal or stamp)



S. Creek
Signature

Notary Public

My appointment expires Jan 31, 2005

Executed at Maple Grove (city), Minnesota (state), this 8
day of November, 2000.

Nancy L. Haig
Nancy L. Haig

STATE OF MINNESOTA)
)
) ss.
COUNTY OF Hennepin)

I certify that I know or have satisfactory evidence that Nancy L. Haig is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: November 8, 2000

(Seal or stamp)



Susan L. Creek

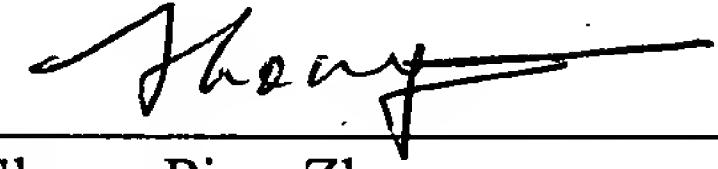
Signature

Notary Public

My appointment expires Jan 31, 2005

Executed at Natick (city), Massachusetts (state), this 30th

day of OCTOBER, 2000.

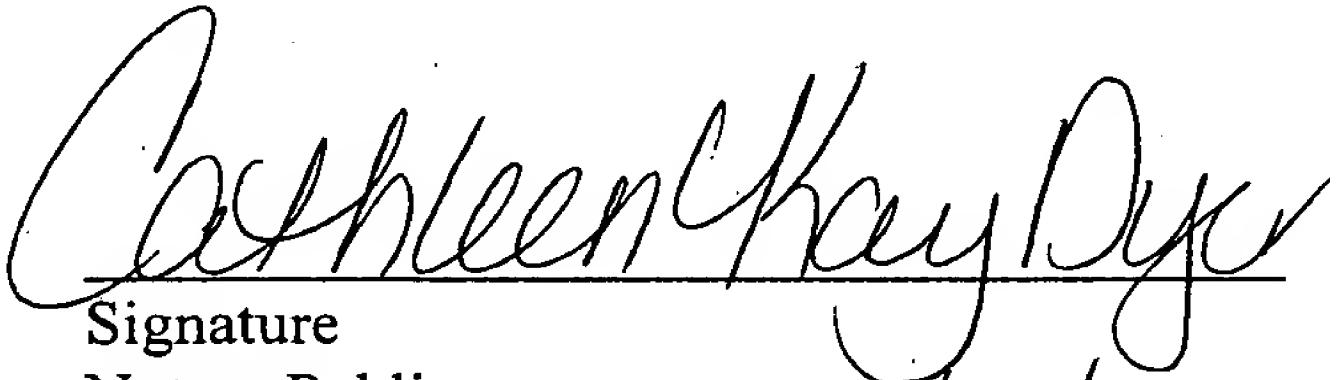

Sheng-Ping Zhong

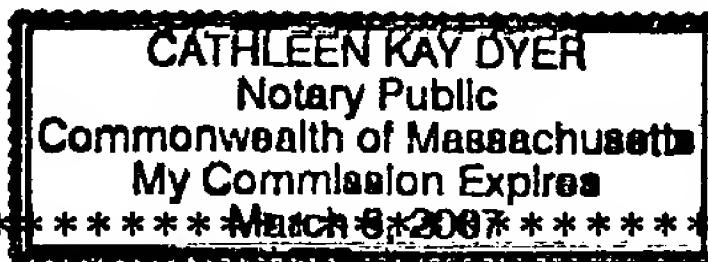
STATE OF MASSACHUSETTS)
) ss.
COUNTY OF Middlesex)

I certify that I know or have satisfactory evidence that Sheng-Ping Zhong is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10/30/2000

(Seal or stamp)


Signature
Notary Public
My appointment expires 3/8/07



BCS:ycl